

REMARKS

Initially, counsel wishes to alert the Examiner to the fact that the undersigned has been retained by the assignee to prosecute this pending matter.

In response to the Office Action dated April 20, 2005, the following amendment and argument is presented in conjunction with the filing of a Request for Continued Examination. Reexamination and reconsideration of the claims as amended is respectfully requested in light of Applicants' response to the Office Action.

Claims 1-80 are pending. Claims 5-31 and 45-80 have been withdrawn due to restriction requirements while claims 34-36 stand withdrawn due to a prior amendment resulting in claims 34-36 to no longer depend from pending claims. Claims 1, 4, 32, 34, 35, 37, 41, 42 and 44 are amended herewith. Claims 34-36 now depend from pending claims and Applicants respectfully request the Examiner reconsider said claims. Claims 2 and 3 are herewith withdrawn.

On page 3 of the Office Action, claims 1-3, 32-33 and 37-44 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement in connection with "an alkyl group" in claim 1. Applicants respectfully traverse this rejection. Claim 1 as well as claim 4 have been amended in an effort to assist in overcoming the rejection. Applicants believe that claim 1 is now in condition for allowance and respectfully requests the Examiner withdraw the rejection of claims 1-3, 32-33 and 37-44 are rejected under 35 U.S.C. § 112, first paragraph.

Dependent claims 2,3,32,33 and 37-44, which are dependent from independent claims 1 and 4, were also rejected under 35 U.S.C. § 112, first paragraph. While the Applicants do not acquiesce to the particular rejections to these dependent claims, it is

asserted that these rejections are moot in view of the remarks made in connection with independent claims 1 and 4. These dependent claims include all of the features of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the proposed combination of references. Note that Applicants withdraw claims 2 and 3. Therefore, dependent claims 32,33 and 37-44 are also in condition for allowance.

Applicants respectfully request the Examiner withdraw the rejection of claims 32, 33 and 37-44 under 35 U.S.C. § 112, first paragraph.

On page 4 of the Office Action, claims 1-4, 32-33 and 37-44 are rejected under 35 U.S.C. § 112, first paragraph because the specification, "while being enabling for methods of protecting the muscarinic acetylcholine receptor in Alzheimer's patients from inactivation caused by oxidative stress induced by heme/peroxide or the low molecular weight inhibitor found in Alzheimer's disease patients using compounds with 2-4 phosphorus atoms optionally in combination with other known antioxidants, does not reasonably provide enablement for methods of protecting the muscarinic acetylcholine receptor and an additional tissue component in Alzheimer's patients from anything using compounds with 2-4 phosphorus atoms.

Applicants respectfully traverse the rejection. Independent claims 1 and 4 are amended herewith in an effort to overcome the rejection.

The specification is enabling with regard to compounds wherein n in Formula I is 1 to 6. (See, e.g., page 4, line 18.) Thus, claims 1 and 4 are amended to conform with this enabling disclosure. Applicants believe that the claims, as amended, are in condition for allowance and respectfully request the Examiner withdraw the rejection of claims 1-4, 32-33 and 37-44 under 35 U.S.C. § 112, first paragraph.

Dependent claims 2, 3, 32, 33 and 37-44, which are dependent from independent claims 1 and 4, were also rejected under 35 U.S.C. § 112, first paragraph. While the Applicants do not acquiesce to the particular rejections to these dependent claims, it is asserted that these rejections are moot in view of the remarks made in connection with independent claims 1 and 4. These dependent claims include all of the features of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the proposed combination of references. Applicants note that claims 2 and 3 are herewith withdrawn. Therefore, dependent claims 32, 33 and 37-44 are also in condition for allowance.

Applicants respectfully request the Examiner withdraw the rejection of claims 32, 33 and 37-44 under 35 U.S.C. § 112, first paragraph.

CONCLUSION

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. The amendments clarify the patentable invention without adding new subject matter. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Jeffrey R. Stone at 952 253-4130.

Respectfully submitted,

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